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*Attorneys for Plaintiff and Counter-defendant
Epic Games, Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

Case No. 4:20-cv-05640-YGR-TSH

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,
v.
APPLE INC.,

Defendant, Counterclaimant.

**DECLARATION OF YONATAN
EVEN IN SUPPORT OF EPIC
GAMES, INC.'S
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE SUR-REPLY IN
RESPONSE TO APPLE'S REPLY
IN SUPPORT OF ITS MOTION TO
STRIKE WRITTEN AND ORAL
TESTIMONY OF DR. MICHAEL I.
CRAGG**

The Honorable Yvonne Gonzalez Rogers

1 I, Yonatan Even declare as follows:

2 1. I am an attorney licensed to practice in the State of New York and admitted to
3 appear before this Court *pro hac vice* in *Epic Games, Inc. v. Apple Inc.*, Case No. 4:20-cv-
4 05640-YGR-TSH. I am a partner at the law firm of Cravath, Swaine & Moore LLP and am one
5 of the attorneys representing Epic Games, Inc. (“Epic”) in the above-captioned action.

6 2. I submit this declaration in support of Epic’s Administrative Motion for Leave
7 to File Sur-Reply in Response to Apple’s Reply in Support of Its Motion to Strike Written and
8 Oral Testimony of Dr. Michael I. Cragg. The contents of this declaration are based on my
9 personal knowledge except as to matters stated on information and belief. As to those matters
10 stated on information and belief, I am informed and believe them to be true. If called to be a
11 witness, I could and would testify competently to the contents of this declaration.

12 3. On May 18, 2021, counsel for Epic contacted counsel for Apple seeking a
13 stipulation agreeing to Epic filing a short sur-reply to Apple’s reply in support of its Motion to
14 Strike, filed on May 18, 2021, by the end of the same trial day. Counsel for Apple did not
15 provide Apple’s consent.

16 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is
17 true and correct and that I executed this declaration on May 18, 2021, in Oakland, California.

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20 /s/ Yonatan Even

21 Yonatan Even
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